

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
THE HONORABLE J.C. BUDDY NICHOLSON, JR., CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2015-000636

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THE STATE OF SOUTH CAROLINA,

RESPONDENT

Vs.

**RECEIVED**  
JAN 29 2018  
SC Court of Appeals

TIMOTHY JAMES WRIGHT,

APPELLANT

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AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION  
TO RELIEVE AND OR REINSTATE LEGAL COUNSEL AND REQUIRE  
HER TO FILE MOTION FOR REHEARING; MOTION FOR SANCTIONS;  
IN THE ALTERNATE MOTION TO FILE FOR A REHEARING  
OUT OF TIME AND OR BEYOND THE TIME LIMIT AND MOTION TO  
MOTION THEREFOR

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TO: THE S.C. COURT OF APPEALS,  
THE S.C. ATTORNEY GENERAL,  
ATTORNEY KRISTY GRAFTON GOLDBERG ET. AL.,

HERE THE COURT AND PARTIES WILL FIND:

(1) EXHIBIT, "ATTORNEY". THIS IS A COPY OF THE LETTER

SENT TO THE APPELLANT BY ATTORNEY KRISTY G. GOLDBERG DATED DECEMBER 8, 2017.

(2) EXHIBIT, "S.C. SUPREME COURT". THIS IS THE LETTER SENT TO THE APPELLANT BY THE S.C. SUPREME COURT DATED DECEMBER 21, 2017.

WHAT JUST OCCURRED WITHIN THIS CASE IS HIGHLY INAPPROPRIATE. THE APPELLANT VEHEMENTLY OBJECT TO THIS INEFFECTIVE ASSISTANCE OF COUNSEL AND VIOLATIONS OF THE CODE OF PROFESSIONAL ETHICS DONE IN THE HANDLING OF THIS CASE BY ATTORNEY KRISTY GOLDBERG. THE APPELLANT RECENTLY SENT THE S.C. COURT OF APPEALS AND PARTIES A COPY OF A LETTER TERMINATING STATE APPOINTED COUNSEL FOR AMONG OTHER REASONS, BECAUSE BY THE FRAUD THAT OCCURRED IN ATTORNEY GOLDBERG'S SENDING THE APPELLANT THIS ATTACHED LETTER . ATTORNEY GOLDBERG CLEARLY INFORMS THE APPELLANT, "AT THIS POINT WE CAN APPEAL THIS DECISION TO THE S.C. SUPREME COURT", GIVING THE INDISPUTABLE INDICATION THAT THE APPEAL WAS COMPLETED BY WHAT WAS REQUIRED BY DUE PROCESS LAW TO NOW FILE PETITION FOR WRIT OF CERTIORARI BEFORE THE S.C. SUPREME COURT. ATTORNEY GOLDBERG THEN STATES, "THE OTHER OPTION WOULD BE TO MOVE ON FROM THE APPEAL AND FILE POST CONVICTION RELIEF SO THAT PROCESS CAN BEGIN AS SOON AS POSSIBLE. I THINK THAT THIS IS REALLY WHAT YOU WOULD PREFER TO DO ANYWAY BECAUSE YOU CAN CHALLENGE YOUR CONVICTION AND NOT JUST YOUR SENTENCE".

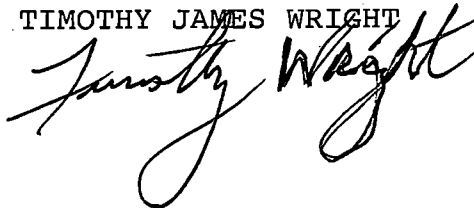
WHAT THE APPELLANT WOULD HAVE PREFERRED IS NOT TO BE SUBJECTED TO THIS FRAUD AND VIOLATIONS OF THE CODE OF PROFESSIONAL ETHICS FOR ATTORNEYS, AND THAT THE ATTORNEY COMPLETED MY DUE PROCESS MATTERS BEFORE THE COURT OF APPEALS AND TIMELY SOUGHT A REHEARING ON THIS APPEAL WHICH WOULD HAVE PERMITTED ME TO SEEK PETITION FOR WRIT OF CERTIORARI BEFORE THE S.C. SUPREME COURT. I OBJECT. THE FACT THAT ATTORNEY GOLDBERG SENT ME A PCR APPLICATION AND BY WHAT IS ASSERTED IN HER LETTER. SHE IS TELLING ME NO OTHER REQUIREMENT BEFORE THE COURT OF APPEALS REMAIN.

BY THE LETTER SENT TO ME FROM THE S.C. SUPREME COURT DESPITE WHAT ATTORNEY GOLDBERG ASSERTED IN HER DECEMBER 8, 2017

LETTER, ATTORNEY GOLDBERG DID NOT COMPLETE THE FULL PROCESS REQUIRED WITHIN THE S.C. COURT OF APPEALS. HAD I KNOWN THIS. I WOULD HAVE NEVER SOUGHT TO TERMINATE HER BY THE LETTER PREVIOUSLY SENT, UNTIL ATTORNEY GOLDBERG SOUGHT THE REHEARING AS WAS REQUIRED BY DUE PROCESS LAW TO ENTER INTO THE S.C. SUPREME COURT. I OBJECT. IF THE S.C. COURT OF APPEALS HAS ACCEPTED MY TERMINATION LETTER I OFFICIALLY MOVE TO RETRACT IT PURSUANT TO SEEKING LEAVE TO RELIEVE COUNSEL. I MOTION THAT COUNSEL BE RELIEVED AND OR REINSTATED. IF ATTORNEY GOLDBERG IS STILL OFFICIALLY COUNSEL ON RECORD. I MOTION FOR SANCTIONS AND MOTION TO RELIEVE ATTORNEY GOLDBERG AND THAT THE S.C. COURT OF APPEALS NOW APPOINT NEW LEGAL COUNSEL AND THAT NEW LEGAL COUNSEL BE PERMITTED TO FILE A MOTION FOR A REHEARING OUT OF TIME AND OR BEYOND THE TIME LIMIT. I MOTION PURSUANT TO RELIEVING COUNSEL THAT ATTORNEY GOLDBERG BE SANCTIONED, AND IF THE COURT DO NOT RELIEVE HER, THAT SHE BE REQUIRED, THAT SHE SUBMIT THE REQUESTED MOTION FOR REHEARING OUT OF TIME AND OR BEYOND THE TIME LIMIT IN ORDER THAT THIS APPEAL BE PERFECTED TO ALLOW FURTHER REVIEW BEFORE THE S.C. SUPREME COURT VIA WRIT OF CERT., AS IS MY DUE PROCESS RIGHT TO SEEK SUCH REVIEW.

IN THE ALTERNATIVE. IF THE S.C. COURT OF APPEALS HAS INDEED ACCEPTED MY TERMINATION LETTER AND CONSIDERS THE APPELLANT AS PRESENTLY PRO SE. I THEN OFFICIALLY MOTION OUT OF TIME AND OR BEYOND THE TIME LIMIT FOR A REHEARING ON THIS CASE WHICH WOULD THEN ALLOW ME TO SEEK PETITION FOR WRIT OF CERTIORARI BEFORE THE S.C. SUPREME COURT. ANYONE OF THE AFOREMENTIONED WOULD BE SUFFICIENT TO ADDRESS THIS MISCARRIAGE OF JUSTICE THAT JUST OCCURRED BEFORE THE HONORABLE S.C. COURT OF APPEALS.

RESPECTFULLY SUBMITTED,  
TIMOTHY JAMES WRIGHT



JANUARY 15, 2018

LAW OFFICE OF

# Kristy Grafton Goldberg, LLC

ATTORNEY AT LAW

December 8, 2017

Timothy Wright, SCDC # 354842  
Lieber Correctional Institution  
136 Wilborn Avenue  
P.O. Box 205  
Ridgeville, SC 29472

Exhibit  
"Attorney"  
Z

RE: *State of South Carolina v. Timothy Wright*, Appellate Case No. 2015-000636

Mr. Wright,

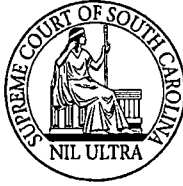
Please find enclosed the Court's decision on your Appeal. The bad news is that your conviction was affirmed. The good news, is that the Court ruled that it was because your attorney waived the objection and did not preserve it for Appeal, which makes it a good argument for Post-Conviction Relief. At this point we can appeal this decision to the Supreme Court and ask if they will review your case, but that could take a year or more and they may not review your case at all. I do not think it would be the best use of your time. However, if you would like for me to continue the Appeal I will need to file something by December 21<sup>st</sup>. Please write to me immediately or have someone call me at 803-607-6633 and let me know that you want me to continue with this Appeal.

The other option would be to move on from the Appeal and file for Post-Conviction Relief so that process can begin as soon as possible. I think this is really what you would prefer to do anyway because you can challenge your conviction and not just your sentence. An Application is enclosed. You can file your Application directly with the Charleston Clerk of Court any time BEFORE December 6, 2018. I would suggest that you file it sometime in January or February. In answering questions 10 and 11 you need to state that you are alleging "ineffective assistance of counsel" along with whatever specific information you want to include. An attorney should be appointed to represent you (or you can hire one) and the attorney can Amend your Application later if necessary. PLEASE ASK YOUR ATTORNEY TO CONTACT MY OFFICE so that I can share with them several ideas I have for grounds for Post-Conviction Relief.

If you have any questions in the meantime please feel free to contact me at the below address.

Sincerely,

  
Kristy Goldberg



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

December 21, 2017

Mr. Timothy James Wright, #354842  
Lieber Correctional Institution  
P.O. Box 205  
Ridgeville, SC 29475

Exhibit  
SC SUPREME  
COURT  
=

RE: The State v. Timothy James Wright, Appellate Court Case Number 2015-000636

Dear Mr. Wright:

This responds to your documents dated December 10, 2017. These documents were received by this Court on December 20, 2017, in an envelope post-marked December 18, 2017.

To the extent you may be seeking to proceed *pro se* regarding any review by this Court of the decision of the South Carolina Court of Appeals in the above case, this motion is unnecessary since there is no right to counsel in a proceeding seeking discretionary review under Rule 242 of the South Carolina Appellate Court Rules (SCACR). *Wainwright v. Torna*, 455 U.S. 586, 102 S.Ct. 1300, 71 L.Ed.2d 475 (1982) (no Sixth Amendment right to counsel in pursuing discretionary appeal); *Ross v. Moffitt*, 417 U.S. 600, 94 S.Ct. 2437, 41 L.Ed.2d 341 (1974) (no Fourteenth Amendment right to counsel when pursuing discretionary appeal after an appeal of right); *Douglas v. State*, 369 S.C. 123, 631 S.E.2d 542 (2006) (no constitutional right to the effective assistance of counsel when seeking discretionary appellate review, and counsel is not required to seek a writ of certiorari after a criminal appeal is decided by the Court of Appeals); *State v. Clinkscales*, 318 S.C. 513, 458 S.E.2d 548 (1995) (Sixth Amendment right to

counsel “extends only to the first right of appeal”). Therefore, no action will be taken on this motion by this Court.

Instead, assuming that there is ultimately a final decision of the Court of Appeals that is subject to review by this Court,<sup>1</sup> you may file a *pro se* petition for a writ of certiorari and appendix within the time specified by Rule 242, SCACR. Once you file the petition for a writ of certiorari and appendix with this Court, this office will open a case file and assign an appellate case number.

I have enclosed a copy of Rule 242, SCACR. This rule sets forth all of the requirements for seeking review from this Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Shearouse', with a long horizontal flourish extending to the right.

Daniel E. Shearouse

cc: Robert M. Dudek, Esquire  
Kristy Grafton Goldberg, Esquire  
Alan McCrory Wilson, Esquire  
Donald J. Zelenka, Esquire  
Alphonso Simon, Jr., Esquire  
The Honorable Jenny Abbott Kitchings (with copy of *pro se* documents)

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<sup>1</sup> It does not appear that petition for rehearing has been made to and ruled on by the Court of Appeals. Therefore, there is currently no final decision that can be reviewed by this Court under Rule 242(a) and (c), SCACR (only a final decision of the Court of Appeals is subject to review and a decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the Court of Appeals has acted on a petition for rehearing or reinstatement).

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
THE HONORABLE J.C. BUDDY NICHOLSON, JR., CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2015-000636

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THE STATE OF SOUTH CAROLINA,

RESPONDENT

**RECEIVED**

JAN 29 2018

SC Court of Appeals

vs.

TIMOTHY JAMES WRIGHT,

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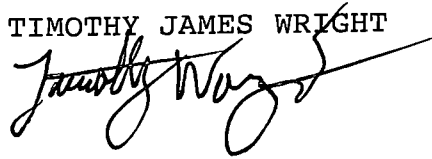
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**AFFIDAVIT OF SERVICE**

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I, TIMOTHY JAMES WRIGHT, DO HEREBY CERTIFY, THAT I HAVE MAILED AND OR SERVED A COPY OF AN AFFIDAVIT OF FACTS GIVING JUDICIAL NOTICE; MOTION TO RELIEVE AND OR REINSTATE LEGAL COUNSEL AND REQUIRE HER TO FILE MOTION FOR REHEARING; MOTION FOR SANCTIONS; IN THE ALTERNATE MOTION TO FILE FOR A REHEARING OUT OF TIME AND OR BEYOND THE TIME LIMIT AND MOTION TO MOTION THEREFOR, ON THE S.C. COURT OF APPEALS 1015 SUMTER STREET COLUMBIA, S.C. 29201, ON THE S.C. ATTORNEY GENERAL P.O. BOX 11549 COLUMBIA, S.C. 29211 AND ON ATTORNEY KRISTY GOLDBERG 1720 MAIN STREET, SUITE 303 COLUMBIA, S.C. 29201, BY U.S. MAIL AND OR CERTIFIED, POSTAGE PREPAID, BY PLACING IT IN THE INSTITUTION MAILBOX ON JANUARY 15, 2018.

RESPECTFULLY,  
TIMOTHY JAMES WRIGHT

A handwritten signature in black ink, appearing to read "Timothy Wright", written over the typed name.

JANUARY 15, 2018

TIMOTHY JAMES WRIGHT  
#354842 WANDO A-112  
LIEBER C.I. P.O. BOX 205  
RIDGEVILLE, S.C. 29472

IN RE: CASE 2015-000636

**RECEIVED**  
JAN 29 2018  
SC Court of Appeals

TO: THE S.C. COURT OF APPEALS ET. AL.,

BY ATTORNEY GOLDBERG'S ACTIONS SHE DROPPED THE BALL ON MY DIRECT APPEAL CREATING A DEFICIENCY TO ME ENTERING INTO THE S.C. SUPREME COURT. THESE DOCUMENTS ARE BEING FILED IN HOPES OF CORRECTING THIS INJUSTICE DONE BY STATE APPOINTED ATTORNEY. I AM SEEKING LEAVE ON THE COURT RECORD TO RELIEVE COUNSEL TO HAVE THIS MATTER ADDRESSED. PLEASE FILE THE DOCUMENTS IN THE ABOVE CAPTIONED CASE. FOR YOUR ASSISTANCE I WOULD BE GRATEFUL. STILL REMAIN,

RESPECTFULLY,  
TIMOTHY JAMES WRIGHT

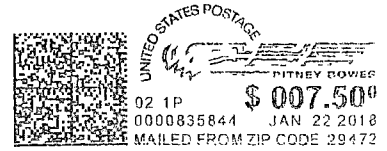
JANUARY 15, 2018

TIMOTHY JAMES WRIGHT  
#354842 WANDO A-112  
LIEBER C.I. P.O. BOX 205  
RIDGEVILLE, S.C. 29472



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FIRST CLASS



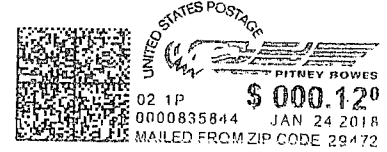
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JAN 18 2018

MAIL ROOM  
LIEBER C.I.

POSTAGE DUE

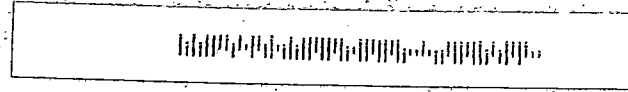
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JAN 29 2018

SC Court of Appeals



THE S.C. COURT OF APPEALS  
1015 SUMTER STREET  
COLUMBIA, S.C. 29201